

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

December 21, 1984

Ron Apperson
Legal Adviser
Los Angeles Unified School District
P. O. Box 3307
Los Angeles, CA 90051

Re: Your Request for Advice
Our File No. A-84-303

Dear Mr. Apperson:

Thank you for your letter requesting advice regarding the application of Government Code Section 84308^{1/} to the members of school district government boards.

QUESTION

Does Section 84308 apply to the members of the governing board of a school district if the governing board is elected by the voters of the district?

CONCLUSION

Section 84308 does not apply to the members of the governing board of a school district if the governing board is elected by the voters of the district.

DISCUSSION

Section 84308 generally prohibits any officer of a state or local government agency from accepting, soliciting, or directing contributions of \$250 or more from any person who is the applicant for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use pending before the agency, or from any person who actively supports or opposes a

^{1/} All statutory references are to the Government Code unless otherwise noted.

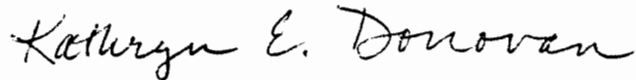
Ron Apperson
December 21, 1984
Page 2

particular decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency and who has a financial interest in that decision.

Paragraph (3) of subdivision (a) of Section 84308 expressly excludes from the definition of "agency" local government agencies whose members are directly elected by the voters. Therefore, Section 84308 does not apply to the members of the governing board of a school district if the governing board is elected by the voters of the district.

If you have any further questions on this matter, please contact me at (916) 322-5901.

Very truly yours,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan
Counsel
Legal Division

KED:nwm

Los Angeles Unified School District

OFFICE OF LEGAL ADVISER

ADMINISTRATIVE OFFICES: 450 NORTH GRAND AVENUE, LOS ANGELES, CALIFORNIA

TELEPHONE: (213) 625-6606 MAILING ADDRESS: BOX 3307, LOS ANGELES, CALIFORNIA 90051

HARRY HANDLER
Superintendent of Schools

RON APPERSON
Legal Adviser

HOWARD FRIEDMAN
ADA R. TREIGER
Assistant Legal Advisers

December 5, 1984

Ms. Barbara Milman
General Counsel
Legal Division
Fair Political Practices Commission
Post Office Box 807
Sacramento, California 95804

Re: Assembly Bill 2992, Chapter 1681
-- A Copy Attached Hereto


Dear Ms. Milman:

Could you please advise me in writing as to whether or not you believe that newly amended Government Code Section 84308 applies to locally elected school board members. While I have formed a tentative opinion on this matter, it seems to me it is your opinion that is determinative and the reason I elicit the same.

If protocol requires that my question be asked by a legislator or another, I would appreciate being so advised so that I can have the question presented in that way.

I greatly appreciate your help in this matter.

Sincerely,


Ron Apperson
Legal Adviser

RA:djl
Attachment